

**CITY COMMISSION AGENDA
CITY OF WINTER GARDEN
TANNER HALL
29 W. Garden Avenue**

REGULAR MEETING

May 24, 2007

6:30 P.M.

CALL TO ORDER

Roll Call and Determination of a Quorum
Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting of May 10, 2007

2. PRESENTATION

- A. Potential impact on budget from proposed changes in property taxes (*postponed from May 10, 2007*) – City Manager Bollhoefer
- B. Presentation of the sale of Orlando Apopka Airport – Douglas Rodante, President of Orlando Apopka Airport Association

3. FIRST READING OF PROPOSED ORDINANCE

- A. **Ordinance 07-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2006-2007 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for June 14, 2007** – Finance Director Strobeck

4. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. **Ordinance 07-09:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.43 ± ACRES LOCATED AT 12728 WEST COLONIAL DRIVE, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for June 28, 2007** – City Planner Williams
- B. **Ordinance 07-10:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.43 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 12728 WEST COLONIAL DRIVE FROM ORANGE COUNTY C-3 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for June 28, 2007** – City Planner Williams
- C. **Ordinance 07-11:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 1.43 ± ACRES LOCATED AT 12728 WEST COLONIAL DRIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN

EFFECTIVE DATE **with the second reading and public hearing being scheduled for June 28, 2007**– City Planner Williams

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 07-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.34 ± ACRES LOCATED AT 81 BROAD STREET, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - City Planner Williams
- B. **Ordinance 07-14:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.34 ± ACRES LOCATED AT 81 BROAD STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - City Planner Williams
- C. **Ordinance 07-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.34 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 81 BROAD STREET FROM ORANGE COUNTY RESIDENTIAL TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - City Planner Williams
- D. **Ordinance 07-16:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM RESIDENTIAL NEIGHBORHOOD COMMERCIAL TO COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 1.150 ± ACRES LOCATED AT 462 WEST PLANT STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - City Planner Williams
- E. **Ordinance 07-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.150 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 462 WEST PLANT STREET FROM CITY R-NC TO CITY C-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - City Planner Williams
- F. **Ordinance 07-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.33 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 32 EAST MILLER STREET FROM CITY R-2 TO CITY C-3; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - City Planner Williams
- G. **Ordinance 07-19:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 78 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO UTILITIES BY AMENDING THE FOLLOWING SECTIONS THEREOF: ARTICLE IV INDUSTRIAL WASTE; SECTION 78-1 STANDARDS AND SPECIFICATIONS FOR WASTEWATER AND WATER MAIN CONSTRUCTION; SECTION 78-35 TEMPORARY WATER SERVICE; SECTION 78-126 PURPOSE AND POLICY; SECTION 78-127 DEFINITIONS; SECTION 78-128 ABBREVIATIONS; SECTION 78-129 USE OF PUBLIC SEWERS REQUIRED; SECTION 78-130 PRIVATE SEWAGE COLLECTION SYSTEM CONNECTED TO POTW; SECTION 78-131 BUILDING SEWERS AND CONNECTIONS; SECTION 78-132 PROHIBITIONS AND LIMITATIONS ON DISCHARGE INTO THE POTW; SECTION 78-133 ADMINISTRATION; SECTION 78-134 INDUSTRIAL WASTEWATER DISCHARGE PERMITS; SECTION 78-135 PROCESSING AND ISSUANCE IWDPS; SECTION 78-136 PERMIT REQUIREMENTS AND

RESTRICTIONS; SECTION 78-137 REPORTING REQUIREMENTS AND RETENTION OF RECORDS FOR IWDP HOLDERS AND OTHER INDUSTRIAL USER; SECTION 78-138 ENFORCEMENT PROCEDURES; SECTION 78-139 APPEAL OF ENFORCEMENT ACTION; SECTION 78-140 AFFIRMATIVE DEFENSES OF DISCHARGE VIOLATIONS; SECTION 78-141 PROVIDING FOR CODIFICATION, SEVERABILITY AND EFFECTIVE DATE – Public Services Director Cochran

5. REGULAR BUSINESS

- A. Request for support by the Bloom 'N Grow Society for the annual Spring Fever in the Garden Festival April 12 to April 13, 2008 – Sue Crabtree
- B. Request by First Baptist Church of Winter Garden to use downtown City gazebo on June 4, 2007 and Waiver of \$1,000 permit fee – Melinda Smith
- C. Recommendation to approve amending the Joint Planning Agreement and entering into a Utilities Territorial Agreement with Orange County – Planning Director Williams
- D. Recommendation to award bids and approve contract for Ninth Street and Story Road Intersection Improvements Project – Public Services Director Cochran

7. MATTERS FROM CITIZENS

8. MATTERS FROM CITY ATTORNEY – Kurt Ardaman

- A. Redistricting issue in Charter for City Commission direction

9. MATTERS FROM CITY MANAGER – Mike Bollhoefer

- A. Financial Statement for April 2007
- B. Revised donation form

10. MATTERS FROM MAYOR AND COMMISSIONERS

11. ADJOURN to a regular City Commission meeting on Thursday, June 14, 2007 at 6:30 p.m.

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE 07-21

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2006-2007 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on September 28, 2006, the City Commission of the City of Winter Garden, Florida, adopted Ordinance 06-45 appropriating and allocating all revenue and funds of the City of Winter Garden, Florida for the tax year beginning October 1, 2006 and ending September 30, 2007;

WHEREAS, on February 22, 2007, the City of Winter Garden, Florida, adopted Ordinance 07-03 amending the City of Winter Garden, Florida, Budget for the tax year beginning October 1, 2006 and ending September 30, 2007;

WHEREAS, the City Commission has decided to amend the City of Winter Garden, Florida Budget for the tax year beginning October 1, 2006 and ending September 30, 2007 to provide for mid-year adjustments;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the sum of \$2,905,300 to be appropriated as follows:

REVENUES

General Fund	\$ (2,097,528)
Community Redevelopment Agency Fund	124,154
Local Option Gas Tax Fund	488,224
General Impact Fee Fund	1,098,070
Transportation Impact Fee-South of Turnpike Fund	(994,006)
Transportation Impact Fee-OOCEA Pledge Fund	120,638
Transportation Impact Fee-CR545 Special Benefit Area Fund	-
Transportation Impact Fee-General Fund	2,934,700
Police and Fire Premium Tax Trust Fund	50,000
Debt Service Fund	(146,829)
New City Hall Capital Project Fund	720,314
Utility Operating Fund	361,978
Utility Impact Fee Fund	87,906
Utility Renewal and Replacement Fund	37,798
Stormwater Fund	109,377
Trailer City Fund	<u>10,504</u>
	\$2,905,300

EXPENSES

General Fund	\$ (2,097,528)
Community Redevelopment Agency Fund	124,154
Local Option Gas Tax Fund	488,224
General Impact Fee Fund	1,098,070
Transportation Impact Fee-South of Turnpike Fund	(994,006)
Transportation Impact Fee-OOCEA Pledge Fund	120,638
Transportation Impact Fee-CR545 Special Benefit Area Fund	-
Transportation Impact Fee-General Fund	2,934,700
Police and Fire Premium Tax Trust Fund	50,000
Debt Service Fund	(146,829)
New City Hall Capital Project Fund	720,314
Utility Operating Fund	361,978
Utility Impact Fee Fund	87,906
Utility Renewal and Replacement Fund	37,798
Stormwater Fund	109,377
Trailer City Fund	<u>10,504</u>
	\$2,905,300

SECTION 2: Detail for the aforementioned totals is attached as Exhibit 1, which shall be incorporated in the Ordinance. Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 3: This Ordinance shall become effective upon its adoption at the second reading and public hearing.

READ FIRST TIME: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

Mayor/Commissioner Jack Quesinberry

ATTEST:

Kathy Golden, City Clerk

ORDINANCE 07-09

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 1.43 ± ACRES LOCATED AT 12728 WEST COLONIAL DRIVE, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 1.43 ± acres located at 12728 West Colonial Drive and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

SECTION 2: That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida, and

SECTION 3: That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and of the inhabitants thereof, and property therein, as it does and have over its present corporate limits and all laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all the territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: The area annexed to the City shall be subject to the taxes and debts of the City upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 6: This Ordinance shall become effective upon adoption at its second reading.

READ FIRST TIME: _____, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 07-10

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.43 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 12728 WEST COLONIAL DRIVE FROM ORANGE COUNTY C-3 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 1.43 ± acres located at 12728 West Colonial Drive and legally described in Section 1 of this ordinance has petitioned the City to zone said property from Orange County C-3 to the City's C-2 zoning classification, therefore;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County C-3 to City C-2 in the City of Winter Garden, Florida.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the amendment of the City of Winter Garden Comprehensive Land Use Plan for the property described herein providing for a land use designation which allows the zoning that is to be established by this ordinance.

FIRST READING: _____ 2007.

SECOND READING AND PUBLIC HEARING: _____ 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

ORDINANCE 07-11

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 1.43 ± ACRES LOCATED AT 12728 WEST COLONIAL DRIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13 of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and

WHEREAS, the owners of land generally described as approximately 1.43 ± acres located at 12728 West Colonial Drive have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from "ORANGE COUNTY COMMERCIAL" to "CITY COMMERCIAL", and

WHEREAS, the City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance for a Small Scale Comprehensive Plan Amendment, and

WHEREAS, the aforesaid petition complies with the Florida Statutes as a Small Scale Comprehensive Plan Amendment,

THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA:

SECTION 1: The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan with Exhibit "A".

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Future Land Use Map in accordance with the provisions of this Ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
 - (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes,
- or
- (iii) when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or

- (iv) the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME: _____, 2007.

READ SECOND TIME: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 07-13

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.34 ± ACRES LOCATED AT 81 BROAD STREET, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 0.34 ± acres located at 81 Broad Street and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

SECTION 2: That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida, and

SECTION 3: That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and of the inhabitants thereof, and property therein, as it does and have over its present corporate limits and all laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all the territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: The area annexed to the City shall be subject to the taxes and debts of the City upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 6: This Ordinance shall become effective upon adoption at its second reading.

READ FIRST TIME: _____, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 07-14

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.34 ± ACRES LOCATED AT 81 BROAD STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13 of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and

WHEREAS, the owners of land generally described as approximately 0.34 ± acres located at 81 Broad Street have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from "ORANGE COUNTY LOW DENSITY RESIDENTIAL " to "CITY COMMERCIAL", and

WHEREAS, the City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance for a Small Scale Comprehensive Plan Amendment, and

WHEREAS, the aforesaid petition complies with the Florida Statutes as a Small Scale Comprehensive Plan Amendment,

THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA:

SECTION 1: The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan with Exhibit "A".

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Future Land Use Map in accordance with the provisions of this Ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
 - (iii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes,
- or
- (iii) when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or

- (iv) the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME: _____, 2007.

READ SECOND TIME: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 07-15

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.34 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 81 BROAD STREET FROM ORANGE COUNTY RESIDENTIAL TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 0.34 ± acres located at 81 Broad Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from Orange County Residential to the City's C-2 zoning classification, therefore;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County Residential to City C-2 in the City of Winter Garden, Florida.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the amendment of the City of Winter Garden Comprehensive Land Use Plan for the property described herein providing for a land use designation which allows the zoning that is to be established by this ordinance.

FIRST READING: _____ 2007.

SECOND READING AND PUBLIC HEARING: _____ 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

ORDINANCE 07-16

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM RESIDENTIAL NEIGHBORHOOD COMMERCIAL TO COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 1.150 ± ACRES LOCATED AT 462 WEST PLANT STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13 of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and

WHEREAS, the owners of land generally described as approximately 1.150 ± acres located at 462 West Plant Street have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from "RESIDENTIAL NEIGHBORHOOD COMMERCIAL " to "COMMERCIAL", and

WHEREAS, the City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance for a Small Scale Comprehensive Plan Amendment, and

WHEREAS, the aforesaid petition complies with the Florida Statutes as a Small Scale Comprehensive Plan Amendment,

THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA:

SECTION 1: The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan with Exhibit "A".

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Future Land Use Map in accordance with the provisions of this Ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
 - (iv) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes,
- or
- (iii) when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or

- (iv) the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME: _____, 2007.

READ SECOND TIME: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 07-17

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.150 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 462 WEST PLANT STREET FROM CITY R-NC TO CITY C-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 1.150 ± acres located at 462 West Plant Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from R-NC to the City's C-1 zoning classification, therefore;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from City R-NC to City C-1 in the City of Winter Garden, Florida.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the amendment of the City of Winter Garden Comprehensive Land Use Plan for the property described herein providing for a land use designation which allows the zoning that is to be established by this ordinance.

FIRST READING: _____ 2007.

SECOND READING AND PUBLIC HEARING: _____ 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

ORDINANCE 07-18

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.33 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 32 EAST MILLER STREET FROM CITY R-2 TO CITY C-3; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 0.33 ± acres located at 32 East Miller Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from City R-2 to the City's C-3 zoning classification, therefore;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from City R-2 to City C-3 in the City of Winter Garden, Florida.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the amendment of the City of Winter Garden Comprehensive Land Use Plan for the property described herein providing for a land use designation which allows the zoning that is to be established by this ordinance.

FIRST READING: _____ 2007.

SECOND READING AND PUBLIC HEARING: _____ 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

ORDINANCE NO. 07-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 78 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO UTILITIES BY AMENDING THE FOLLOWING SECTIONS THEREOF: ARTICLE IV INDUSTRIAL WASTE; SECTION 78-1 STANDARDS AND SPECIFICATIONS FOR WASTEWATER AND WATER MAIN CONSTRUCTION; SECTION 78-35 TEMPORARY WATER SERVICE; SECTION 78-126 PURPOSE AND POLICY; SECTION 78-127 DEFINITIONS; SECTION 78-128 ABBREVIATIONS; SECTION 78-129 USE OF PUBLIC SEWERS REQUIRED; SECTION 78-130 PRIVATE SEWAGE COLLECTION SYSTEM CONNECTED TO POTW; SECTION 78-131 BUILDING SEWERS AND CONNECTIONS; SECTION 78-132 PROHIBITIONS AND LIMITATIONS ON DISCHARGE INTO THE POTW; SECTION 78-133 ADMINISTRATION; SECTION 78-134 INDUSTRIAL WASTEWATER DISCHARGE PERMITS; SECTION 78-135 PROCESSING AND ISSUANCE IWDPS; SECTION 78-136 PERMIT REQUIREMENTS AND RESTRICTIONS; SECTION 78-137 REPORTING REQUIREMENTS AND RETENTION OF RECORDS FOR IWDP HOLDERS AND OTHER INDUSTRIAL USER; SECTION 78-138 ENFORCEMENT PROCEDURES; SECTION 78-139 APPEAL OF ENFORCEMENT ACTION; SECTION 78-140 AFFIRMATIVE DEFENSES OF DISCHARGE VIOLATIONS; SECTION 78-141 PROVIDING FOR CODIFICATION, SEVERABILITY AND EFFECTIVE DATE

(See City Clerk's Office for viewing this Ordinance in its entirety)